

Service Date: August 9, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of the Petition of)	UTILITY DIVISION
Colstrip Energy Limited Partnership to)	
Determine Certain Obligations Under a)	DOCKET NO. 91.4.15
Power Purchase Agreement with Montana)	
Power Company.)	ORDER NO. 5564a

FINAL ORDER

Background

On July 30, 1991 the designated Hearing Examiner in this Docket issued Proposed Order No. 5564. In lieu of exceptions to the Proposed Order the Parties filed a Joint Response and Stipulation of Montana Power Company and Colstrip Energy Limited Partnership. In the Response the parties described their understanding of the Proposed Order and stated that the Proposed Order "establishes a reasonable basis for the performance of the Parties under the Power Purchase Agreement and are willing to proceed on that basis." The Parties also submitted that the final order in this Docket should provide that, expenses for purchases from CELP shall be recovered pursuant to Interim Order No. 5561 and all other applicable Commission orders."

Discussion

The Commission finds that Proposed Order No. 5564 is a reasonable disposition of the dispute and will adopt it in its entirety. In this Order the Commission will make no determination of ratemaking treatment for any additional costs incurred by MPC as a result of this Order. MPC should make a separate filing proposing ratemaking treatment for any additional costs that result from this Order. The Commission pledges to act on such filing expeditiously.

Conclusions of Law

The Colstrip Energy Limited Partnership Project is a qualifying small power production facility. §§ 69-3-601 - 604, MCA.

The Montana Power Company is a public utility regulated by the Montana Public Service Commission. §§ 69-3-101 and 69-3-601(3), MCA.

The Public Service Commission has the jurisdiction to determine rates and conditions of a power purchase agreement between a qualifying facility and a public utility. § 69-3-603, MCA.

Order

IT IS HEREBY ORDERED that Proposed Order No. 5564 is adopted in its entirety as the Commission Final Order in this Docket.

Done and Dated this 8th day of August, 1991 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.